

Modification 2 of 505 Wilson St, Redfern -Chief Mechanical Engineer's Building

State Significant Development Modification Assessment Report (SSD-39971796-Mod-2)

May 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure
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Published: May 2024

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of a modification application for the State Significant Development (SSD) for the Chief Mechanical Engineer's (CME) Building, located at 505 Wilson Street, Redfern (SSD 39971796).

The modification application was lodged by Transport for New South Wales (TfNSW) (the Applicant).

This report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- an explanation of any changes made to the modification during the assessment process
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the approval should be modified and any conditions that should be imposed.

Executive Summary

This report details the Department's assessment of a modification application for the adaptive re-use of the CME Building (SSD 39971796), located at 505 Wilson Street, Redfern, within the City of Sydney (Council) local government area.

Modification

The proposed modification seeks to correct the wordings in the conditions of consent to enable Crown Certification. The consent currently refers to the need for Construction Certificates (CCs) and Occupations Certificates (OCs). The proposed modification would reflect that SSD 39971796 is a Crown Development and therefore, would allow for Crown Certification to be utilised.

Statutory context

On 7 December 2023, the Director, Key Sites Assessments, as a delegate for the Minister, granted consent to SSD 39971796. Therefore, the Minister's delegate may modify the conditions of consent.

The Department is satisfied that the proposed modification is within the scope of section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it involves the correction of minor errors.

In conclusion the Department is satisfied the proposed modification does not constitute a new development application as the modification seeks for Crown Certification in lieu of obtaining CCs and OCs, in accordance with the EP&A Act and Environmental Planning and Assessment Regulation (Development Certification and Fire Safety) 2021.

Engagement

There are no notification requirements of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) for section 4.55(1) modifications. Accordingly, the application was not notified or advertised. However, the Department made the modification application publicly available on the NSW planning portal on 23 April 2024.

As the modification application relates to the correction of wordings in the conditions of consent to reflect and enable Crown Certification, the application was not referred to City of Sydney Council for comment.

Assessment

The Applicant seeks to modify the conditions of consent to correct typographic errors in the conditions of consent to reference Crown Certification instead of CCs and OCs. The original SSD was lodged by TfNSW and is therefore a Crown development application in accordance with Division 4.6 of the EP&A Act. Crown development applications are not required to obtain CCs or OCs and instead are required to obtain Crown Certification.

The Department finds the Applicant's proposed modification is acceptable as it would enable the Crown Certification pathway, replacing the Applicant's need to obtain both CCs and OCs, and aligning the development consent with the requirements of the EP&A Act and EP&A Regulations.

Conclusion

Overall, the Department's assessment concludes the modified consent would be consistent with relevant strategies and provides clarity on the Crown Certification pathway to be used as intended.

As such, the Department considers the modification is in the public interest and recommends that the conditions of consent be modified as proposed.

Contents

Preface	i
Executive Summary	ii
1 Introduction	1
1.1 The proposal.....	1
Project location	1
1.2 Related projects and works	3
2 Statutory context	6
2.1 Scope of modification and assessment pathway	6
Mandatory matters for consideration.....	Error! Bookmark not defined.
3 Engagement	8
3.1 Department's engagement	8
4 Assessment	9
5 Evaluation	10
6 Recommendation	11
7 Determination	12
Glossary	13
Appendices	15
Appendix A – List of referenced documents	15
Appendix B – Recommended instrument of modification	15

1 Introduction

1.1 The proposal

On 7 December 2023, Transport for New South Wales (TfNSW) (the Applicant) sought and was granted consent for the adaptive re-use of the Chief Mechanical Engineer's Building (CME) for commercial/office premise use comprising:

- upgrade building to achieve compliance with the Building Code of Australia (BCA) including accessibility and fire safety, and to support future use as commercial/office premises including:
 - internal works such as new walls/partitions, doors, lift, lighting, amenities, and services
 - external works such as new roof sheeting, repair of dormer window, balustrade to existing verandah, and new pedestrian ramp for access at ground floor
- undertake landscaping to the site including a brick wall and fencing to the street frontage
- removal of any hazardous building material
- provision of new in-ground services including a new stormwater system and sewer connection.

The Applicant proposes to correct minor errors or misdescriptions in the conditions of consent which references the need to obtain both Construction Certificates (CCs) and Occupation Certificates (OCs). The original SSD (SSD 39971796) was lodged by TfNSW and was therefore a Crown development application. The modification seeks to allow for Crown Certification in lieu of obtaining CCs and OCs, in accordance with the EP&A Act and Environmental Planning and Assessment Regulation (Development Certification and Fire Safety) 2021.

Project location

The site is located at 505 Wilson Street, Redfern within the City of Sydney (Council) local government area (LGA) (see **Figure 1** and **Figure 2**). The site is legally described as Part Lot 5 in Deposited Plan (DP) 1175706.

The site is bounded by Wilson Street to the north and east and has a rear boundary to Sydney Trains' land and the railway line. The site is located within 300 m from Redfern Train Station.

The site contains the Chief Mechanical Engineer's Building (CME) which is listed on the NSW Heritage Register and TfNSW section 170 Register. The building is a two-storey masonry and brick building in the Victorian style of architecture.

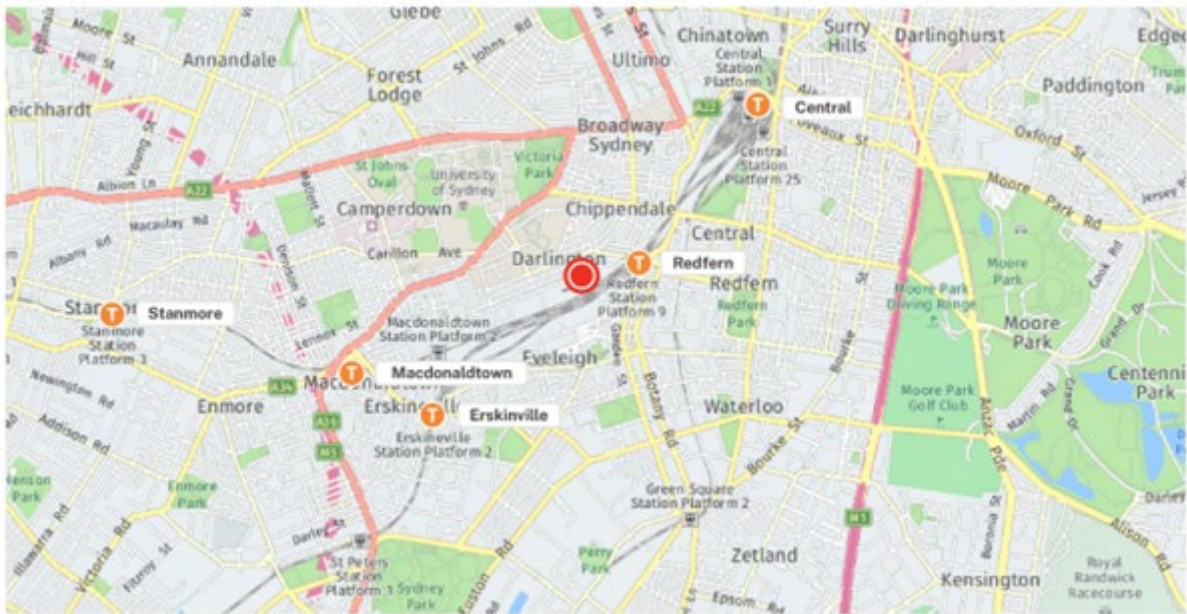


Figure 1 | Regional context map (Source: Applicant's EIS (SSD-39971796))

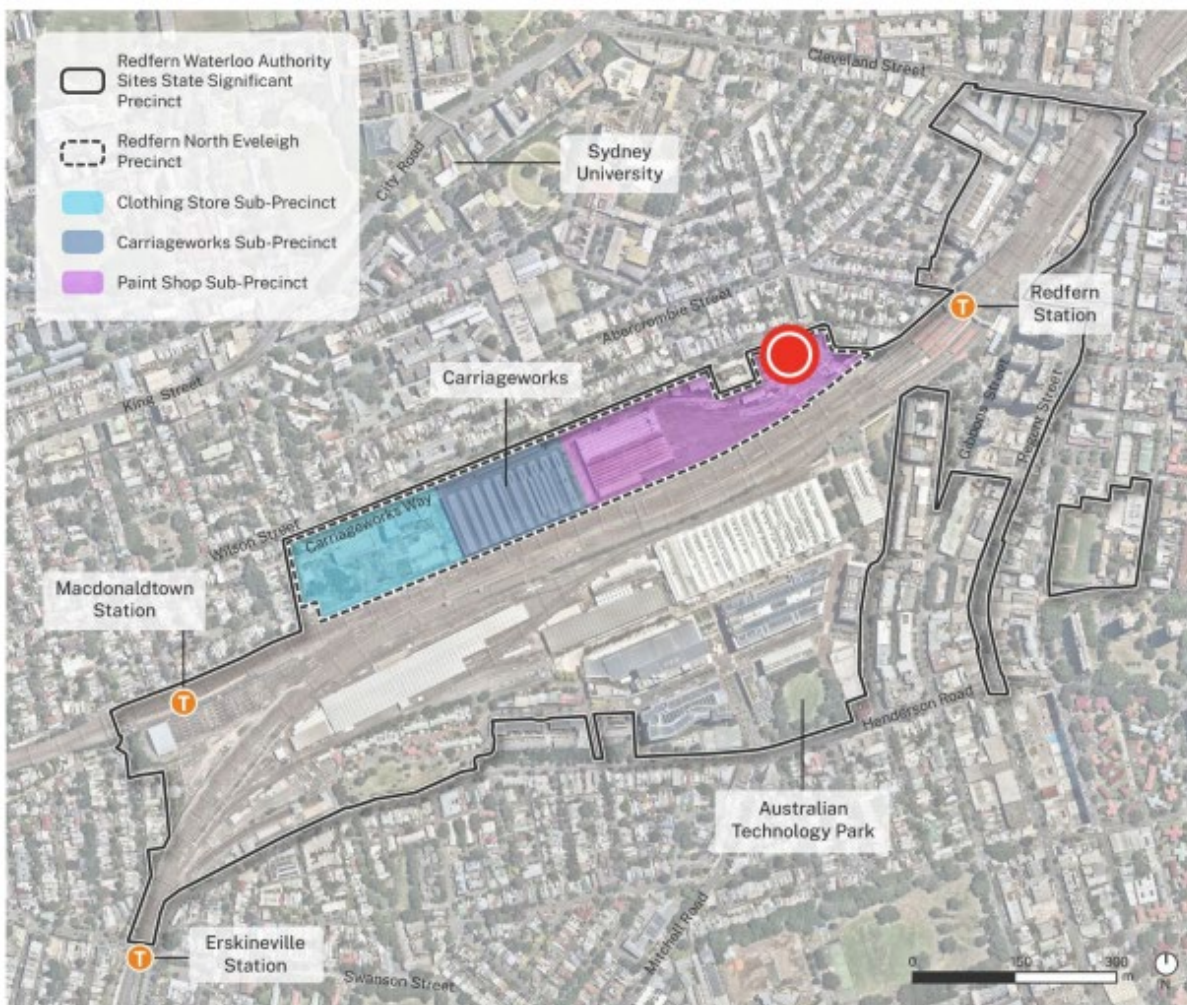


Figure 2 | Local context map (Source: Applicant's EIS (SSD-39971796))

1.2 Related projects and works

Redfern North Eveleigh Concept Plan Approval (No. 08_0015)

Under the former Part 3A of the EP&A Act, a Concept Plan for the Redfern North Eveleigh Precinct was approved on 15 December 2008 by the then Minister for Planning. The Concept Plan approval comprises:

- an estimated 1,258 residential dwellings and 3,270 jobs across the Precinct
- adaptive reuse of the heritage buildings for a range of cultural, community, commercial and residential uses
- a mixed-use precinct comprising residential, commercial and retail uses to the east (including the Paint Shop Sub-Precinct)
- a cultural and commercial precinct in the centre of the site, comprising the Carriageworks performance arts centre, the Carriage workshop and Blacksmiths' Shop
- a residential precinct to the west
- open space, public domain and roads across the site with five new parks
- a childcare centre
- car parking across the Precinct for 1,800 cars
- affordable housing.

The development standards under the Concept Plan Approval for the Paint Shop Sub-Precinct are:

- 'Business Zone – Mixed Use' for the site
- a maximum floor space ratio of 2:1 (approx. 92,200 sqm gross floor area (GFA))
- a range of building heights up to 16 storeys.

As the Concept Plan Approval was acted on with the development of the Platform Apartments (7 Carriageworks Way, Eveleigh), it is still valid and has the potential to be acted on in the future.

In respect to the CME Building, the Concept Plan Approval notes that the CME Building would be retained and adaptively reused.

Part 5 Approval for Infrastructure Works

On 2 November 2012, approval was granted by the Sydney Metropolitan Development Authority (SMDA) under Part 5 of the EP&A Act for infrastructure works to be undertaken on the North Eveleigh site. This was accompanied by a Section 60 Heritage Approval issued by the Heritage Branch.

North Eveleigh Development Application (DA) - Parks 2013/367

In March 2013, UrbanGrowth NSW Development Corporation submitted Development Application (DA) 2013/367 to the City of Sydney Council. Approval for consent was sought comprising:

- local park and pocket park
- adaptive re-use of heritage elements
- creation of pedestrian access from Wilson Street.

A condition of the 2008 Concept Plan Approval requires an application for parks is lodged concurrently with the first application for new floor space on the site.

North Eveleigh Affordable Housing Project – Wilson Street, Eveleigh (SSD-5708)

On 17 October 2013, the Department approved SSD-5708 for the construction of a part 6, part 7 storey residential flat building (RFB) comprising:

- 88 affordable housing apartments
- single level basement
- 39 car parking spaces (inc. 1 visitor space) and 88 bicycle parking spaces
- Landscaping and associated works.

A Section 75W Modification was concurrently submitted to the Department with the affordable housing application in response to the Director General's Requirements issued for the project. This application is the first for new floor space in the Concept Plan area. This application is the first for new floor space in the Concept Plan Area.

1.2.1 Approval history

On 7 December 2023, the Director, Key Sites Assessments granted development consent to restore, refurbish and re-use the CME building to support commercial/office premises (SSD-39971796). The approval comprised:

- internal works such as new walls/partitions, doors, lift, lighting, amenities, and services
- external works such as new roof sheeting, repair of dormer windows, balustrade to existing verandah, and new pedestrian access ramp at ground floor
- removal of any hazardous building material
- new in-ground services including a new stormwater system and sewer connection.

The consent has been modified on one occasion (see **Table 1**).

Table 1 | Summary of modifications

Modification	Description	Decision-maker	Type	Date
MOD 1	Correction of minor typographic errors within conditions of consent to enable the Crown Certification pathway.	Team Leader, Key Sites Assessments	4.55(1)	Withdrawn
MOD 2	Correction of minor typographic errors within conditions of consent to enable the Crown Certification pathway.	Team Leader, Key Sites Assessments	4.55(1)	Under assessment

2 Statutory context

2.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in **Table 2** below.

Table 2 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	The Department has reviewed the scope of the modification and considers that it can be characterised as a modification involving minor error or misdescriptions as the proposal seeks to correct and replace references to CCs and OCs to reflect and enable the Crown Certification pathway. The Department is satisfied the proposed modification is within the scope of section 4.55(1) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1) of the EP&A Act rather than requiring a new development application to be lodged.
Consent Authority	The Minister continues to be the consent authority under section 4.5(a) of the EP&A Act and has the capacity to modify the consent of the project.
Decision-maker	The Team Leader, Key Sites Assessments, is the Minister's delegate to determine the modification in accordance with the Ministers Instrument of Delegation – Development Assessment Functions to Department of Planning and Environment dated 9 March 2022.

2.1.1 Matters of consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration such of the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of these matters is shown in **Table 3** below.

Table 3 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Section 1 and Section 4
EP&A Regulation	See Section 3 in relation to engagement
Likely impacts	Section 4 - Assessment
Suitability of the site	Section 1.3 - Modification background, Section 6 - Assessment
Public submissions	Section 3 - Engagement
Public interest	Section 3 - Engagement, Section 4 - Assessment and Section 5 - Evaluation

2.1.2 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application.

3 Engagement

3.1 Department's engagement

There are no notification requirements of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) for section 4.55(1) modifications. Accordingly, the application was not notified or advertised. However, the Department made the modification application publicly available on the NSW planning portal on 23 April 2024.

As the modification application relates to the correction of a misdescription, the application was not referred to City of Sydney Council for comment.

4 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application
- the requirements of the EP&A Act and Regulation.

The modification application seeks to correct typographic errors in the conditions of consent to reference Crown Certification instead of CCs and OCs. The original SSD was lodged by TfNSW and is therefore a Crown development application in accordance with Division 4.6 of the EP&A Act. Crown development applications are not required to obtain CCs or OCs and instead are required to obtain Crown Certification.

Currently, the consent makes references to the Applicant obtaining both CCs and OCs. The modification would clarify that the Crown Certification pathway can be utilised, replacing the Applicant's need to obtain both CCs and OCs, and aligning the development consent with the requirements of the EP&A Act and EP&A Regulations.

The Department finds the modification is acceptable as it corrects minor typographic errors and provides clarity on the application of the conditions.

5 Evaluation

The Department's has assessed the merits of the application in accordance with the relevant requirements of the EP&A Act.

The Department is satisfied the proposed modification is administrative and seeks to correct minor errors and misdescriptions that have no material impact on the approved development and should be approved, subject to conditions of consent (**Appendix B**).

6 Recommendation

It is recommended that the **Team Leader**, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **Accepts** the modification is a correction of typographic errors
- **considers** the findings and recommendations of this report.
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modifies the consent** for the 505 Wilson St, Redfern – Chief Mechanical Engineer’s Building (SSD 39971796-MOD 2) subject to the conditions in the attached instrument of modification.
- **signs** the attached instrument of modification (**Appendix B**).

Recommended by:



Bonnie Hale

Planning Officer

Key Sites Assessments

7 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'Annie Leung', with a stylized, flowing script.

Annie Leung

Team Leader

Key Sites Assessments

Glossary

Abbreviation	Definition
BCS of NSW DCCEEW	Biodiversity Conservation and Science group of the NSW Department of Climate Change, Energy, the Environment and Water
CC	Construction Certificate
Council	City of Sydney Council
BCA	Building Code of Australia
Department	Department of Planning, Housing and Infrastructure
EIS	Environmental impact statement
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
Heritage	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
LGA	Local government area
LEP	Local environmental plan
Minister	Minister for Planning and Public Spaces
NCC	National Construction Code
OC	Occupation Certificate

Abbreviation	Definition
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SSD	State significant development
TfNSW	Transport for NSW

Appendices

Appendix A – List of referenced documents

A copy of the Applicant's Modification letter can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/505-wilson-street-redfern-cme-building-mod-2>.

Appendix B – Recommended instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/505-wilson-street-redfern-cme-building-mod-2>.